

Service Date: September 28, 2001

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF RESERVATION)	UTILITY DIVISION
TELEPHONE COOPERATIVE,)	
Application for Designation as an)	DOCKET NO. D2001.9.129
Eligible Telecommunications Carrier)	ORDER NO. 6378

FINAL ORDER DESIGNATING ELIGIBLE
TELECOMMUNICATIONS CARRIER

On September 13, 2001, Reservation Telephone Cooperative (Reservation), Parshall, North Dakota, a rural incumbent local exchange telecommunications carrier serving about 25 customers in eastern Montana, filed before the Montana Public Service Commission (PSC) a request for 2001 annual certification for receipt of 2002 federal universal service funds (*see, PSC Docket No. N2001.8.110*). The PSC advised Reservation that Montana designation as an eligible telecommunications carrier (ETC) would be required prior to certification.

On September 21, 2001, Reservation filed an application for designation as an ETC in Montana. Given the circumstances, including the nature of the PSC's previous initial designations of incumbent ETCs and the pending deadline for annual certification of ETCs, the PSC prefers to expedite consideration of Reservation's application. The PSC staff has contacted the Montana ETCs (Qwest and Mid-Rivers) serving in areas near Reservation's service area and these ETCs have informally expressed no objection to designation of Reservation as an ETC in Montana.

Most Montana telecommunications carriers, including those based in other states and serving in border areas, as Reservation does, were designated ETC's through a series of PSC orders issued in 1997 and 1998. *See, PSC Docket No. D96.2.18, Order Nos. 6005, 6005a, 6005b, and 6005c (September 5, 1997, through January 27, 1998)*. Since that time there have been further PSC designations of ETCs, primarily, if not exclusively, pertaining to designations of competitive ETC status (an existing Montana ETC expanding to compete in another existing

Montana ETC's study area). *See, e.g., Matter of Mid Rivers (application for competitive ETC status in Quest's Wibaux, Montana, exchange), PSC Docket No. D99.11.250, Order No. 6229b (June 14, 2000).*

The PSC determines that Reservation's application is proper in form. Reservation meets the Montana and federal requirements for designation as an ETC as identified and referenced in Montana law. *See, § 69-3-840, MCA (referencing 47 U.S.C. 214(e)(1)).* Reservation requests a waiver of the toll control requirements for ETCs (*see 47 C.F.R. § 54.101(a)*). The PSC has approved this kind of waiver in previous ETC designations (*see, paras. 7 through 20, PSC Order No. 6005a, supra*) and approves it for Reservation under the same conditions. The PSC has jurisdiction to designate ETCs. *§ 69-3-840, MCA.* The PSC approves Reservation's application and hereby designates Reservation as a Montana ETC.

Done and dated this 25th day of September, 2001, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.